

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

LESLIE RIVERA
4227 N. Fairhill Street
Philadelphia, PA 19131

Plaintiff,

v.

UNITED STATES POSTAL SERVICE
3190 S. 70th Street, Room 201
Philadelphia, PA 19153

And

COLLEEN ADAMSKI
C/O United States Postal Service
3190 S. 70th Street, Room 201
Philadelphia, PA 19153

And

JOHN DOE
C/O United States Postal Service
3190 S. 70th Street, Room 201
Philadelphia, PA 19153

Defendants.

Civil Action No. 22-cv-02958

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. Section 1442(a)(1), the United States of America, on behalf of defendants, the United States Postal Service, an independent establishment of the executive branch of the United States government, and Colleen Adamski, removes this action to the United States District Court for the Eastern District of Pennsylvania. In support, the United States avers as follows:

1. On or about August 12, 2021, plaintiff Leslie Rivera filed a complaint in the Court of Common Pleas for Philadelphia County, Pennsylvania. A true and correct copy of the Complaint is attached hereto as Exhibit “A.”

2. The United States Postal Service (“USPS”) is an independent establishment of the executive branch of the United States. 39 U.S.C. § 201.

3. In the Complaint, plaintiff alleges that on November 6, 2019, she was involved in a motor vehicle accident with a USPS truck driven by the individual defendant, Colleen Adamski, while Adamski was within the scope of her employment with the USPS. Plaintiff claims she was injured and seek damages as a result.

4. The individual defendant, Colleen Adamski, is a USPS employee who at all times relevant to the allegations of the Complaint was acting within the scope of her employment. *See* Declaration of Jacqueline C. Romero, United States Attorney, attached hereto as Exhibit “B.” As such, the United States is substituted as a matter of law pursuant to 28 U.S.C. § 2679(d)(1), which provides the following:

Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.

5. The United States district courts have exclusive jurisdiction over civil actions on claims against the United States for money damages, and claims arising under the Constitution, acts of Congress, and agency and executive department regulations. 28 U.S.C. § 1346(b).

6. Accordingly, this is a suit against the United States, and removal of this action is proper pursuant to 28 U.S.C. § 1442(a)(1).

7. Under 28 U.S.C. § 1442(a)(1), any civil action commenced in State court against an agency of the United States may be removed to the United States District Court for the district in which the action is pending. This action is removable to this Court pursuant to 28 U.S.C. § 2679(d)(2), which provides in pertinent part that:

Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a State court shall be removed without bond at any time before trial by the Attorney General to the district court of the United States for the district and division embracing the place in which the action or proceeding is pending

8. In accordance with 28 U.S.C. § 1446(d), a true and correct certified copy of this Notice of Removal is being: (a) filed in the Court of Common Pleas of Philadelphia County; and (b) sent to counsel for plaintiff.

9. No bond is required to accompany this Notice because it is being filed on behalf of the United States.

10. Removal by the United States is timely.

WHEREFORE, the United States of America, on behalf of the United States Postal Service and Colleen Adamski, Case No. 210801036, is removed to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

JACQUELINE C. ROMERO
United States Attorney

s/ Susan R. Becker for

GREGORY B. DAVID
Assistant United States Attorney
Chief, Civil Division

Dated: July 28, 2022

s/ Viveca D. Parker

VIVECA D. PARKER
Assistant United States Attorney
615 Chestnut Street, Suite 1250
Philadelphia, PA 19106-4476
Phone: (215) 861-8443

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of July, 2022, I served a true and correct copy of the foregoing Notice of Removal, with exhibits, by First Class U.S. Mail on the following persons addressed as follows:

Michael T. van der Veen, Esq.
1219 Spruce Street
Philadelphia, PA 19107
Attorney for plaintiff

s/ Viveca D. Parker
VIVECA D. PARKER
Assistant United States Attorney